



PATENT
Docket No.: 3213/104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Martin et al.)
Serial No. : 10/524,750 ✓)
Cnfrm. No. : 6908)
Filed : August 13, 2003)
For : BACTERIAL EFFECTOR PROTEINS WHICH)
INHIBIT PROGRAMMED CELL DEATH)

Examiner:
Medina A. Ibrahim

Art Unit:
1638

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.97-1.98

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§ 1.97-1.98, applicants hereby bring to the attention of the United States Patent and Trademark Office, the references listed on the attached PTO/SB/08 form.

Pursuant to 37 CFR § 1.98(a)(2)(ii), copies of the cited U.S. Patents (i.e., Reference Cite Nos. 1-8) are not enclosed. Copies of the other listed references (i.e., Reference Cite Nos. 9-93) are enclosed herewith

Pursuant to 37 CFR § 1.97(b)(3), no fee is required. If additional fees are required, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 14-1138.

Respectfully submitted,

Date:

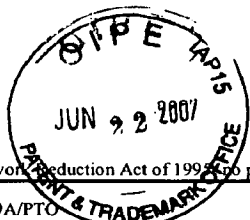
June 19, 2007

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date <u>6/20/07</u>	<u>Wendy L. Barry</u> Wendy L. Barry



Substitute for form 1449A/PTO				Complete if Known				
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number		10/524,750		
				Filing Date		August 13, 2003		
				First Named Inventor		MARTIN et al.		
				Art Unit		1638		
				Examiner Name		Medina A. Ibrahim		
Sheet	1	of	8	Attorney Docket Number		3213/104		
U.S. PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number - Kind Code ² (if known)						
↓	1	US-4,237,224		12-02-1980	COHEN et al.			
	2	US-4,945,050		07-31-1990	SANFORD et al.			
	3	US-5,034,322		07-23-1991	ROGERS et al.			
	4	US-5,036,006		07-31-1991	SANFORD et al.			
	5	US-5,100,792		03-31-1992	SANFORD et al.			
	6	US-5,352,605		10-04-1994	FRALEY et al.			
	7	US-5,750,385		05-12-1998	SHEWMAKER et al.			
	8	US-6,002,068		12-14-1999	PRIVALLE et al.			
FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)						
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS								
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/MN/	9	AOYAMA et al., "A Glucocorticoid-Mediated Transcriptional Induction System in Transgenic Plants," <i>Plant J.</i> 11:605-612 (1997)						
/MN/	10	AUSUBEL et al., CURRENT PROTOCOLS IN MOLECULAR BIOLOGY, John Wiley & Sons, New York, New York (1989) (Cover Page and Table of Contents Only)						
/MN/	11	BOGDANOVE et al., "AvrPto-Dependent Pto-Interacting Proteins and AvrPto-Interacting Proteins in Tomato," <i>Proc. Natl. Acad. Sci. USA</i> 97(16):8836-8840 (2000)						
/MN/	12	BOUROUIS & JARRY, "Vectors Containing a Prokaryotic Dihydrofolate Reductase Gene Transform <i>Drosophila</i> Cells to Methotrexate-Resistance," <i>EMBO J.</i> 2(7):1099-1104 (1983)						
/MN/	13	CHANG et al., "avrPto Enhances Growth and Necrosis Caused by <i>Pseudomonas syringae</i> pv. <i>Tomato</i> in Tomato Lines Lacking Either <i>Pto</i> and <i>Prf</i> ," <i>Mol. Plant-Microbe Interact.</i> 13(5):568-571 (2000)						
/MN/	14	CHANG et al., "Functional Studies of the Bacterial Avirulence Protein AvrPto by Mutational Analysis," <i>Mol. Plant-Microbe Interact.</i> 14(4):451-459 (2001)						
/MN/	15	CHEN et al., "The <i>Pseudomonas syringae</i> <i>avrRpt2</i> Gene Product Promotes Pathogen Virulence from Inside Plant Cells," <i>Mol. Plant Microbe Interact.</i> 13(12):1312-1321 (2000)						
Examiner Signature	/Albert M Navarro/				Date Considered	04/23/2008		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO				Complete if Known	
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				Examiner Name	Medina A. Ibrahim
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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
/MN/	16	CLIFTON et al., "NF-κB-Dependent Inhibition of Apoptosis is Essential for Host Cell survival During <i>Rickettsia rickettsii</i> Infection," <i>Proc. Natl. Acad. Sci. USA</i> 95:4646-4651 (1998)			
/MN/	17	CLOUGH et al., "The <i>Arabidopsis dnd1</i> "Defense, No Death" Gene Encoded a Mutated Cyclic Nucleotide-Gated Ion Channel," <i>Proc. Natl. Acad. Sci. USA</i> 97(16):9323-9328 (2000)			
/MN/	18	COHN et al., "Innate Immunity in Plants," <i>Curr. Opin. Immunol.</i> 13:55-62 (2001)			
/MN/	19	COLLMER et al., " <i>Pseudomonas syringae</i> Hrp Type III Secretion System and Effector Proteins," <i>Proc. Natl. Acad. Sci. USA</i> 97(16):8770-8777 (2000)			
/MN/	20	DANGL & JONES, "Plant Pathogens and Integrated Defense Responses to Infection," <i>Nature</i> 411:826-833 (2001)			
/MN/	21	DEL POZO et al., "Caspases and Programmed Cell Death in the Hypersensitive Response of Plants to Pathogens," <i>Curr. Biol.</i> 8:1129-1132 (1998)			
/MN/	22	EVANS et al., HANDBOOK OF PLANT CELL CULTURES, Vol. 1, MacMillan Publishing Co., New York (1983) (Cover Page and Table of Contents Only)			
/MN/	23	FOUTS et al., "Genomewide Identification of <i>Pseudomonas syringae</i> pv. <i>Tomato</i> DC3000 Promoters Controlled by the HrpL Alternative Sigma factor," <i>Proc. Natl. Acad. Sci. USA</i> 99:2275-2280 (2002)			
/MN/	24	FRALEY et al., "Entrapment of Bacterial Plasmid in Phospholipid Vesicles: Potential for Gene Transfer," <i>Proc. Natl. Acad. Sci. USA</i> 76(7):3348-3352 (1979)			
/MN/	25	FRALEY et al., "Expression of Bacterial Genes in Plant Cells," <i>Proc. Natl. Acad. Sci. USA</i> 80:4803-4807 (1983)			
/MN/	26	FREDERICK et al., "Recognition Specificity for the Bacterial Avirulence Protein AvrPto is Determined by Thr-204 in the Activation Loop of the Tomato Pto Kinase," <i>Mol. Cell.</i> 2:241-245 (1998)			
/MN/	27	FROMM et al., "Expression of Genes Transferred Into Monocot and Dicot Plant Cells by Electroporation," <i>Proc. Natl. Acad. Sci. USA</i> 82:5824-5828 (1985)			
/MN/	28	GALÁN et al., "Type III Secretion Machines: Bacterial Devices for Protein Delivery Into Host Cells," <i>Science</i> 284:1322-1328 (1999)			
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/MN/	29	GENBANK ACCESSION NO. AF141883 (16-SEP-1999)			
/MN/	30	GENBANK ACCESSION NO. AY074795 (05-FEB-2002)			
/MN/	31	GENG et al., "Chlamydia pneumoniae Inhibits Apoptosis in Human Peripheral Blood Mononuclear Cells Through Induction of IL-10," <i>J. Immunol.</i> 164:5522-5529 (2000)			
/MN/	32	GREENBERG, J.T., "Programmed Cell Death in Plant-Pathogen Interactions," <i>Annu. Rev. Plant Physiol. Plant Mol. Biol.</i> 48:525-545 (1997)			
/MN/	33	GOODMAN et al., "The Hypersensitive Reaction in Plants to Pathogens," APS Press, St. Paul, Minnesota, USA (1994) (Cover Page and Table of Contents Only)			
/MN/	34	GUTTMAN et al., "A Functional Screen for the Type III (Hrp) Secretome of the Plant Pathogen <i>Pseudomonas syringae</i> ," <i>Science</i> 295:1722-1726 (2002)			
/MN/	35	GUTTMAN et al., "Functional Analysis of the Type III Effectors AvrRpt2 and AvrRpm1 of <i>Pseudomonas syringae</i> with the Use of Single-Copy Genomic Integration System," <i>Mol. Plant Microbe Interact.</i> 14:145-155 (2001)			
/MN/	36	HEATH, M.C., "Hypersensitive Response-Related Death," <i>Plant Mol. Biol.</i> 44:321-334 (2000)			
/MN/	37	HOFFMAN et al., "Phylogenetic Perspectives in Innate Immunity," <i>Science</i> 284:1313-1318 (1999)			
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/MN/	39	JACKSON et al., "Identification of a Pathogenicity Island, Which Contains Genes for Virulence and Avirulence, on a Large Native Plasmid in the Bean Pathogen <i>Pseudomonas syringae</i> Pathovar Phaseolicola," <i>Proc. Natl. Acad. Sci. USA</i> 96:10875-10880 (1999)			
/MN/	40	JEFFERSON et al., "GUS Fusions: β -Glucuronidase as a Sensitive and Versatile Gene Fusion Marker in Higher Plants," <i>EMBO J.</i> 6(13):3901-3907 (1987)			
/MN/	41	JIA et al., "Alleles of <i>Pto</i> and <i>Fen</i> Occur in Bacterial Speck-Susceptible and Fenthion-Insensitive Tomato Cultivars and Encode Active Protein Kinase," <i>Plant Cell</i> 9:61-73 (1997)			
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/MN/	42	JIN et al., "Role of the Hrp Pilus in Type III Protein Secretion in <i>Pseudomonas syringae</i> ," <i>Science</i> 294:2556-2558 (2001)			
/MN/	43	JONES et al., "Isolation of the Tomato <i>Cf-9</i> Gene for Resistance to <i>Cladosporium fulvum</i> by Transposon Tagging," <i>Science</i> 266:789-793 (1994)			
/MN/	44	JÜRGENSMEIER et al., "Bax Directly Induces Release of Cytochrome c from Isolated Mitochondria," <i>Proc. Natl. Acad. Sci. USA</i> 95:4997-5002 (1998)			
/MN/	45	JURIS et al., "Yersinia Effectors Target Mammalian Signalling Pathways," <i>Cell Microbiol.</i> 4(4):201-211 (2002)			
/MN/	46	KAMPRANIS et al., "A Novel Plant Glutathione S-Transferase/Peroxidase Suppresses Bax Lethality in Yeast," <i>J. Biol. Chem.</i> 275:29207-29216 (2000)			
/MN/	47	KAWAI et al., "Evolutionally Conserved Plant Homologue of the Bax Inhibitor-1 (BI-1) Gene Capable of Suppressing Bax-Induced Cell Death in Yeast," <i>FEBS Lett.</i> 464:143-147 (1999)			
/MN/	48	KAWAI-YAMADA et al., "Mammalian Bax-Induced Plant Cell Death Can Be Down-Regulated by Overexpression of <i>Arabidopsis</i> Bax Inhibitor-1 (<i>AtBI-1</i>)," <i>Proc. Natl. Acad. Sci. USA</i> 98(21):12295-12300 (2001)			
/MN/	49	KEEN et al., "Improved Broad-Host-Range Plasmids for DNA Cloning in Gram-Negative Bacteria," <i>Gene</i> 70:191-197 (1988)			
/MN/	50	KIM et al., "Two Distinct <i>Pseudomonas</i> Effector Proteins Interact with the Pto Kinase and Activate Plant Immunity," <i>Cell</i> 109:589-598 (2002)			
/MN/	51	KJEMTRUP et al., "Effector Proteins of Phytopathogenic Bacteria: Bifunctional Signals in Virulence and Host Recognition," <i>Curr. Opin. Microbiol.</i> 3:73-78 (2000)			
/MN/	52	KNODLER et al., " <i>Salmonella</i> and Apoptosis: To Live or Let Die?" <i>Microbes Infect.</i> 3:1321-1326 (2001)			
/MN/	53	KRENS et al., " <i>In vitro</i> Transformation of Plant Protoplasts with Ti-plasmid DNA," <i>Nature</i> 296:72-74 (1982)			
/MN/	54	LACOMME et al., "Bax-Induced Cell Death in Tobacco is Similar to the Hypersensitive Response," <i>Proc. Natl. Acad. Sci. USA</i> 96:7956-7961 (1999)			
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/MN/	55	LAM et al., "Caspase-Like Protease Involvement in the Control of Plant Cell Death," <i>Plant Mol. Biol.</i> 44:417-428 (2000)			
/MN/	56	LINDGREN, P.B., "The Role of <i>hrp</i> Genes During Plant-Bacterial Interaction," <i>Annu. Rev. Phytopathol.</i> 35:129-152 (1997)			
/MN/	57	MARTIN et al., "A Member of Tomato <i>Pto</i> Gene Family Confers Sensitivity to Fenthion Resulting in Tomato," <i>Plant Cell</i> 6:1543-1552 (1994)			
/MN/	58	MARTIN et al., "Map-Based Cloning of a Protein Kinase Gene Conferring Disease Resistance in Tomato," <i>Science</i> 262:1432-1436 (1993)			
/MN/	59	MASSARI et al., " <i>Neisseria Meningitidis</i> Porin PorB Interacts with Mitochondria and Protects Cells from Apoptosis," <i>Proc. Natl. Acad. Sci. USA</i> 97(16):9070-9075 (2000)			
/MN/	60	MICHELMORE & MEYERS, "Clusters of Resistance Genes in Plants Evolve by Divergent Selection and a Birth-and-Death Process," <i>Genome Res.</i> 8:1113-1130 (1998)			
/MN/	61	MUDGETT & STASKAWICZ, "Characterization of the <i>Pseudomonas syringae</i> pv. <i>Tomato</i> AvrRpt2 Protein: Demonstration of Secretion and Processing During Bacterial Pathogenesis," <i>Mol. Microbiol.</i> 32:927-941 (1999)			
/MN/	62	MUMBERG et al., "Regulatable Promoters of <i>Saccharomyces cerevisiae</i> : Comparison of Transcriptional Activity and Their Use for Heterologous Expression," <i>Nucleic Acids Res.</i> 22:5767-5768 (1994)			
/MN/	63	NIMCHUK et al., "Eukaryotic Fatty Acylation Drives Plasma Membrane Targeting and Enhances Function of Several Type III Effector Proteins from <i>Pseudomonas syringae</i> ," <i>Cell</i> 101:353-363 (2000)			
/MN/	64	RATHJEN et al., "Constitutively Active <i>Pto</i> Induces a <i>Prf</i> -Dependent Hypersensitive Response in the Absence of <i>avrPto</i> ," <i>EMBO J.</i> 18:3232-3240 (1999)			
/MN/	65	REUBER & AUSUBEL, "Isolation of Arabidopsis Genes That Differentiate Between Resistance Responses Mediated by the <i>PRS2</i> and <i>RPM1</i> Disease Resistance Genes," <i>Plant Cell</i> 8:241-249 (1996)			
/MN/	66	RIELY & MARTIN, "Ancient Origin of Pathogen Recognition Specificity Conferred by the Tomato Disease Resistance Gene <i>Pto</i> ," <i>Proc. Natl. Acad. Sci. USA</i> 98(4):2059-2064 (2001)			
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/MN/	67	RITTER & DANGL, "Interference Between Two Specific Pathogen Recognition Events Mediated by Distinct Plant Disease Resistance Genes," <i>Plant Cell</i> 8:251-257 (1996)			
/MN/	68	RONALD et al., "The Cloned Avirulence Gene <i>avrPto</i> Induces Disease Resistance in Tomato Cultivars Containing the <i>Pto</i> Resistance Gene," <i>J. Bacteriol.</i> 174:1604-1611 (1992)			
/MN/	69	SAMBROOK et al., MOLECULAR CLONING: A LABORATORY MANUAL, 2 nd ed., Cold Spring Harbor, New York, Cold Spring Harbor Laboratory Press (1989)			
/MN/	70	SALMERON et al., "Molecular Characterization and <i>hrp</i> Dependence of the Avirulence Gene <i>avrPto</i> from <i>Pseudomonas syringae</i> pv. <i>Tomato</i> ," <i>Mol. Gen. Genet.</i> 239:6-16 (1993)			
/MN/	71	SALMERON et al., "Tomato Mutants Altered in Bacterial Disease Resistance Provide Evidence for a new Locus Controlling Pathogen Recognition," <i>Plant Cell</i> 6:511-520 (1994)			
/MN/	72	SALMERON et al., "Tomato <i>Prf</i> is a Member of the Leucine-Rich Repeat Class of Plant Disease Resistance Genes and Lies Embedded Within the <i>Pto</i> Kinase Gene Cluster," <i>Cell</i> 86:123-133 (1996)			
/MN/	73	SCHENA et al., "A Steroid-Inducible Gene Expression System for Platan Cells," <i>Proc. Natl. Acad. Sci. USA</i> 88:10421-10425 (1991)			
/MN/	74	SCOFIELD et al., "Molecular Basis of Gene-For-Gene Specificity in Bacterial Speck Disease of Tomato," <i>Science</i> 274:2063-2065 (1996)			
/MN/	75	SESSA et al., "Signal Recognition and Transduction Mediated by the Tomato Pto Kinase: A Paradigm of Innate Immunity in Plants," <i>Microbes Infect.</i> 2:1591-1597 (2000)			
/MN/	76	SESSA et al., "Thr38 and Ser198 are Pto Autophosphorylation Sites Required for the AvrPto-Pto-Mediated Hypersensitive Response," <i>EMBO J.</i> 19:2257-2269 (2000)			
/MN/	77	SHAN et al., "A Cluster of Mutations Disrupt the Avirulence But not the Virulence Function of AvrPto," <i>Mol. Plant-Microbe Interact.</i> 13:592-598 (2000)			
/MN/	78	SHAN et al., "The Pseudomonas AvrPto Protein is Differentially Recognized by Tomato and Tobacco and Is Localized to the Plant Plasma Membrane," <i>Plant Cell</i> 12:2323-2337 (2000b)			
/MN/	79	STUDIER, "Use of T7 RNA Polymerase to Direct Expression of Cloned Genes," <i>Methods Enzymol.</i> 185:60-89 (1990)			
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/MN/	80	TANG et al., "Overexpression of <i>Pto</i> Activates Defense Responses and Confers Broad Resistance," <i>Plant Cell</i> 11:15-30 (1999)			
/MN/	81	TANG et al., "Initiation of Plant Disease Resistance by Physical Interaction of AvrPto and Pto Kinase," <i>Science</i> 274:2060-2063 (1996)			
/MN/	82	TSIAMIS et al., "Cultivar-Specific Avirulence and Virulence Functions Assigned to <i>avrPphF</i> in <i>Pseudomonas syringae</i> pv. <i>phaseolicola</i> , the Cause of Bean Halo-Blight Disease," <i>EMBO. J.</i> 19:3204-3214 (2000)			
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Examiner Signature	/Albert M Navarro/			Date Considered	04/23/2008

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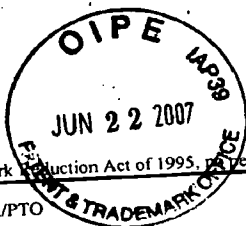
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				Filing Date	August 13, 2003
				First Named Inventor	MARTIN et al.
				Group Art Unit	1638
				Examiner Name	Medina A. Ibrahim
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First Named Inventor	MARTIN et al.
Ari Unit	1638
Examiner Name	Medina A. Ibrahim
Attorney Docket Number	3213/104

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US-4,237,224	12-02-1980	COHEN et al.	
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Examiner Signature				Date Considered	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/524,750
				Filing Date	August 13, 2003
				First Named Inventor	MARTIN et al.
				Group Art Unit	1638
				Examiner Name	Medina A. Ibrahim
Sheet	7	of	8	Attorney Docket Number	3213/104
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	80	TANG et al., "Overexpression of <i>Pto</i> Activates Defense Responses and Confers Broad Resistance," <i>Plant Cell</i> 11:15-30 (1999)			
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	85	VAN KAN et al., "Cloning and Characterization of cDNA of Avirulence Gene <i>avr9</i> of the Fungal Pathogen <i>Cladosporium fulvum</i> , Causal Agent of Tomato Leaf Mold," <i>MPMI</i> 4(1):52-59 (1991)			
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		DUPLICATES	
Examiner Signature	/MARK NAVARRO/		Date Considered 4/24/08

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